EXHIBIT 16

DORMITORY AUTHORITY – STATE OF NEW YORK 515 Broadway, Albany, New York 12207-2964

DEC 1 6 2003

CHANGE ORDER

Current Contrac	ct Date	JD Edwards Coi _ JD Edwards Pr _ Total Approved _ SOMLIEC	hange Request No. // 01 ontract No: 61506 roject No: 12777099999 d Change Order:
	cted to perform all labor and to provide all m		
Project Name	and Location: Baruch College Site-"B"	5	1000192
base in o time	cription of Work: Provide all labor, equipmoe in areas left out by the underlayment subcorder to open the building on the college target and material ticket basis.	ntractor. This was due et date of August 27, 20	e to accelerating the work schedule 2001. This work was recorded on a
Full consideration fo	ir this change order shall be an INCREASE	of the original contract	t amount by:
	<u>Dollars</u>		
Material = \$ 1. Total = \$ 9. Increase of the Contra and assigns hereby rel of action, claims and defined assigns are determined.	case and forever discharge the Dormitory Author	ity of the State of New Y	der the contractor, its heirs, executors administrators, successors, fork, its successors, and assigns from any and all actions, causes has or may have against the Dorintory Authority of the State of
Recommended b	y:	Ė	Accepted by:
CONSTRUC	TION MANAGER OR ARCHITECT		CONTRACTOR
By: 1	X Construction Corp. Name ///c/C? Date STITUTION (WHERE REQUIRED)	<u>-</u>	By:
	, , , , , , , , , , , , , , , , , , ,		- La Ap 12/11/13
	Name	_	Chief Project Manager, CUNY Program
	Dormitory	Authority Use Only:	:
ALT BAC	BND CLA CLO COM COR	DE DO E	EMR (FLD) INF INS OFS PRG

(NO 7/12/01

UNTEACT & CLAIMS UNIT DORMITORY AUTHORITY (12) ~

12/15/03

Page Date

5301P

CHANGE ORDER					Cat Cat CD1 CD2																Buyout	Amount
Chg Group code C CH Complete? Ref. Number. Owner Change Regd. Cost Code	QUEST DESCRIPTION			CHANGE REQUEST LOG DETAIL	Issue Expired Required E	07/12/01 N	N	Z	Z	Z	Z	Z	Z	12/12/03 N	Z	N	Z	N	2	CHANGE REQUEST DETAIL	Revenue	Amount
BARUCH-Site B Facility draulic cement to Trataros Construction Inc Markowitz, Wayne H.	CHANGE REQUEST	cement base in lieu of conflow rk schedule. This was done to	the college target date of \$9,933	CHANGE RE	S T Explanation	Y Anil Raut	N Director/Chief Name Here	N Dir of PM Name Here	(N Managing Director Name Here	N PM Name Here	N PM Name Here	N PM Name Here	N PM Name Here	Y Jay Goldstein	N Claims Analyst Name Here	N Cost Control Name Here	N Cost Control Name Here	N Dir of PM or Managing Dir	N Project Mgt Admin Name Here	CHANGE REC	Cost	Amount
Change C		CO#GC2-202 Install hydraulic ce in order to accelerate the work	allow the building to open on t Aug.27,2001. Field condition \$9		L T Description	A Change Notice	C Dir/Chief Pre-Approve>\$50K	C Dir of PM Pre-Approval<\$150K	C Managing Dir Pre-Approve>\$150K	C PM Reg Prop from Contractor	C PM Receive Cost Proposal	C PM Review Cost Proposal	C Rec'd C.O. from Contractor	C Director/Chief Approval	C Rec'd by Cost Control Unit	C Budget Edit 1 or PM Notified	C Cost Control Review Completed	C Final Approval	C Budget Edit 2 Completed			Description

Chg Group Priority Code. Complete? Ref. Number Owner Change Regd. Area	CHANGE REQUEST DESCRIPTION CONflow one to e of	REQUEST LOG DETAIL	Issue Expired Required E CD1 CD2	07/12/01 N	N	Z	Z	Z	N	Z	N	N	N	Z	N	N	N	EST DETAIL	Buyout	Amount T LT Amount T	0.4.2
BARUCH-Site B Facility draulic cement to Trataros Construction Inc Markowitz, Mayne H. C.O.Field Conditions	in lieu of This was d target dat	CHANGE	S T Explanation	Y Anil Raut	N Director/Chief Name Here	N Dir of PM Name Here	N Managing Director Name Here	N PM Name Here	N PM Name Here	N PM Name Here	N PM Name Here	N Director/Chief Name Here	N Claims Analyst Name Here	N Cost Control Name Here	N Cost Control Name Here	N Dir of PM or Managing Dir	N Project Mgt Admin Name Here	CHANGE REQUEST	Cost	Amount	
Usb Number 1277709999 Change Number 110120202020202020202020202020202020202	CO#GC2-202 Install hydraulic cement base in order to accelerate the work schedule. allow the building to open on the college Aug.27,2001. Field condition \$9,933		T Description	A Change Notice	C Dir/Chief Pre-Approve>\$50K	C Dir of PM Pre-Approval<\$150K	C Managing Dir Pre-Approve>\$150K	C PM Reg Prop from Contractor	C PM Receive Cost Proposal	C PM Review Cost Proposal	C Rec'd C.O. from Contractor	C Director/Chief Approval	C Rec'd by Cost Control Unit	C Budget Edit 1 or PM Notified	C Cost Control Review Completed	C Final Approval	C Budget Edit 2 Completed			Description	

Page Date

DORMITORY AUTHORITY OF NYS Print Change Request Summary

DORMITORY AUTHORITY STATE OF NEW YORK CHANGE ORDER COST REVIEW CERTIFICATION

PROJEC	CT: BARUCH CO	LLEGE - SITE	E "B"	ND# 1775	CR#
CONTR	ACTOR FILING C	LAIM: Trataro	s Construction, Inc.	COST: \$9,933.0	0
CHANGE	ORDER NO:	GC2-202	ORIGINAL CON	TRACT NO: 615	0 6
D	ESCRIPTION OF	' CHANGE ORDE	ER WORK:		
the unde	rlayment subcontract on the college targe	ctor. This was du	essary to install hydraulic ce to accelerating the work service. This work was re	chedule in order to ope	en the
the con	his is to certify tractor's cost ca	y that the following that the following the thirt of the following the f	owing applicable review the above change order.	s have been made re	lative to
	1. Unit rates	from construct:	ion applied (where appl	icable).	
<u>X</u> _	2. Wage rates	correct / Man	hours reasonable.		
<u>X</u> _	3. Material p	rices verified	and reasonable.		
<u>X</u> _	$__4$. Rental rat	es verified and	l reasonable.		
<u>X</u> _	5. Percentage	mark-ups appli	ed properly as per Gene	eral Conditions.	
B Dormito	eased on the above ry Authority rega	e reviews, the arding the dispo	following recommendation psition of said Change (n is hereby made to Order.	the
$\frac{X}{2}$. modification	Change Order sh Change Order sh ations:	ould be approve ould be deferre	ed. d for approval subject	to the following	
				Claims	analyst
This co	st review complet	ed by:	James Grundvig		Ü
Represe	nting the: Archi	tect:C	onstruction Manager: X	Other: }	Moelle
Signatu	re of reviewing p	erson:	Mil		12/18/03
Acknowle	edge by Dormitory	Authority:	MHY		, 7, 7, 7
Date:		Disposition Ap	pproved:	Deferred:	

TDX CONSTRUCTION CORPORATION

BARUCH COLLEGE - SITE B CHANGE ORDER CHECKLIST

CHANGE ORDER NO: GC2-202

IN OI	RDER OF APPEARANCE:
[X]	ORIGINAL SIGNED CHANGE ORDER:
[X]	CHANGE ORDER COST REVIEW CERTIFICATION:
[X]	CHANGE ORDER MEMORANDUM:
[X]	DETAILED MEMORANDUM OF JUSTIFICATION AND NEGOTIATION:
[X]	COPY OF TDX LETTER OF DIRECTIVE DATED: 7/12/01
[X]	COPY OF TDX CHANGE ORDER ESTIMATE:
[X]	COPY OF CONTRACTORS PROPOSAL: N/A
[X]	REFERENCE DOCUMENTS:
[X]	WAGE RATES: APPROVED

TDX CONSTRUCTION CORPORATION

MEMORANDUM

DATE:

January 24, 2003

TO:

Nick D'Ambrosio

FROM:

Ray Leu

JOB:

Baruch College - Site B

RE:

GC2-202, ND #1775

This memorandum is in reply to contractor's comment inserted at the bottom front of this page of change order.

We have considered the contractor's comment along with the included statement. Any time impact to the contract or any cost with an extension of time to the contract is not acknowledged and has not been determined at this time. Appropriate consideration will be made at a future date in accordance with contractual obligations for any time impact to the contract and cost associated with same.

TDX CONSTRUCTION CORPORATION

CHANGE ORDER MEMORANDUM

DATE:

January 24, 2003

TO:

Nick D'Ambrosio

FROM:

Ray Leu

JOB:

Baruch College - Site B

RE:

GC2-202, ND #1775

Attached you will find one original of the above referenced change order signed by the contractor and one copy of the required back up.

This change order in the amount of \$9,933.00 is for providing all labor, equipment and material necessary to install hydraulic cement base in areas left out by the underlayment subcontractor. This was due to accelerating the work schedule in order to open the building on the college target date of August 27, 2001. This work was recorded on a time and material ticket basis.

During the final push to open the building on time for the college fall semester, the flooring subcontractor installed quick-setting hydraulic cement in lieu of Conflow underlayment material. The Conflow product has to be placed in layers with lengthy periods for time to cure. Since the work schedule had been increased to meet the opening target date, the hydraulic cement was placed in fill-in areas left out by the underlayment subcontractor. These areas predominantly encompassed fill-ins around the elevators.

TDX has reviewed this change order and finds it to be fair and reasonable and recommends its approval. It is our recommendation that the cost should be appropriated as a Field X.

TDX CONSTRUCTION CORPORATION

Baruch College - Site B

CHANGE ORDER MEMORANDUM OF JUSTIFICATION AND NEGOTIATION

CHANGE ORDER NO: GC2-202

CONTRACTOR: Tra

Trataros Construction, Inc.

DESCRIPTION OF CHANGE:

Provide all labor, equipment and material necessary to install hydraulic cement base in areas left out by the underlayment subcontractor. This was due to accelerating the work schedule in order to open the building on the college target date of August 27, 2001. This work was recorded on a time and material ticket basis.

REASON FOR CHANGE:

During the final push to open the building on time for the college fall semester, the flooring subcontractor installed quick-setting hydraulic cement in lieu of Conflow underlayment material. The Conflow product has to be placed in layers with lengthy periods for time to cure. Since the work schedule had been increased to meet the opening target date, the hydraulic cement was placed in fill-in areas left out by the underlayment subcontractor. These areas predominantly encompassed fill-ins around the elevators.

RECORD OF NEGOTIATIONS:

The Contractor submitted a proposal dated 1/24/03 in the amount total \$11,287.29.

TDX estimated the cost to be \$9,933.00.

The Contractor accepted the estimate.

Case 1:07-cv-06915-DLC Document 313-19 Filed 09/12/2008 Page 11 of 34

TDX DIRECTIVE

Dated: 7/12/01

Change Order No.: GC2-202



TDX CONSTRUCTION CORPORATION

Baruch College Field Office 137 East 25th Street, 6th Floor, New York, NY 10010

212 679 0031 212 679 0037 _{FAX} www.tdxconstruction.com

July 12, 2001

Trataros Construction Inc. 55 Lexington Avenue New York, NY 10010

Attn: John Clarke

RE: Baruch College - Site "B"

Contract No. 16 - G. C. #2

ND #1288 /775

Gentlemen:

You are hereby directed to repair the terrazzo base through out the building that was damaged by others.

Please proceed immediately and advise if there is any cost impact to your contract.

Very truly yours,

TDX Construction Corporation

John J. McCullough, P.E.

Project Manager

RL/kdl

Cc: N. D'Ambrosio

J. Barrera

T. Mockler

J. Jones, Jr.

ND #1288

Ltr Trataros ND#1288

Case 1:07-cv-06915-DLC Document 313-19 Filed 09/12/2008 Page 13 of 34

TDX CHANGE ORDER ESTIMATE

Change Order No.: GC2-202



TDX CONSTRUCTION CORPORATION

PROJECT: BARUCH COLLEGE SITE 'B'

DATE:

1/20/03

SUBJECT: ND# 1775 -- GC2-202 (CROCETTI - T&M)

T&M TICKETS: TERRAZZO FLOORING

ITEM	QTY	UNIT	UN	COST	т	OTAL (\$)
I. Material	1	ls		1,516.00	\$	1,516.00
II. Labor						1,510.00
Mechanic Foreman	16	br	\$	67.37	\$	1,077.92
General Foreman	7	hr	\$	67.37	<u>\$</u> \$	471.59
Mechanic	23	hr	\$	61.84	\$	1,422.32
Foreman Helper	7	hr	\$	65.69	\$	459.83
Finisher	37	hr	\$	60.17	<u> </u>	2,226.29
TOTAL BASE (I & II) = OH&P	20%				\$	7,173.95
III. PREMIUM TIME:	20.0				\$	1,434.79
General Foreman	7	hr	\$	29.19	\$	204.33
Mechanic	7	hr	\$	29.19	\$	204.33
Foreman Helper	7	hr	\$	28.29	\$	198.03
TOTAL (III) =					\$	606.69
TOTAL (SUBCONTRACTO	OR) =			·	\$	9,215.43
GC MARKUP 10,5,3% =					\$	717.40
TOTAL =					\$	9,933

ITEM	QTY	UNIT	UN	COST	TC	TAL (\$)
Hydraulic Cem.	35	bag	\$	25.00	\$	875.00
Sand	150	bag	\$	2.50	\$	375.00
Latex Primer	3.5	gal	\$	12.00	\$	42.00
Epoxy	8	gal	\$	28.00	\$	224.00
	196.5				L.	2200

TOTAL	/T)			
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TICKET	DATE	ITEM	QTY	UNIT	AMOUNT	TOTAL
2106	3/7/01	Hydraulic Cem.	12	bag	1	12
"		Sand	48	bag	1	48
2132	3/29/01	Hydraulic Cem.	5	bag	1	5
"	le .	Sand	25	bag	1	25
"	11	Ероху	3	gal	1	3
2166	10/25/01	Hydraulic Cem.	10	bag	1	10
"	11	Sand	40	bag	1	40
17	.,	Latex Primer	2	gal	1	2
2167	10/26/01	Hydraulic Cem.	8	bag	1 1	8
"	**	Sand	37	bag	1 1	37
*	19	Latex Primer	1.5	gal		1.5
"	19	Ероху	5	gal		5

II. LABOR

TICKET	DATE	M. FRMN	месн.	GEN. FRMN	FINISHER	FINISHER
2104	3/1/01	7			7	8 L . 1, 250, 15,301
2105	3/2/01		7		7	
2106	3/7/01		7		7	
2107	3/8/01		7		7	
2109	3/12/01	2	2		7	
2132	3/26/01	7			7	
2167	10/26/01			7	,	7

TOTAL(II) =	16	23	7	27	-
1011111 (11)	10		, , , , , , , , , , , , , , , , , , ,	31	7

III. PREMIUM TIME

TICKET	DATE	GEN FRMN	месн.	FRM HELPER
2166	10/25/01	7	7	7
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TOTAL (I	II) =	7	7	7

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WORK ORDER

2104

3960 Merritt Ave. **BRONX, NY 10466**

Phone (718) 994-0900

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WORK ORDER

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Representative

Representative

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Representative

Page 20 of 34 WORK ORDER 2109 3960 Merritt Ave. **BRONX, NY 10466** Phone (718) 994-0900 Fax (718) 994-4505 OJECT NAME JOB NO. DATE COLLEGE 98106 PREPARED BY FIELD/WORK ORDER ND INVOICE TO ATTENTION TRATAROS CONSTRUCTION SCRIPTION OF WORK DATE WORK PERFORMED PX NO. (PENDING EXTRA) UNDERLAYMENT ELEVATORS LABOR SUMMARY OLASSION CANTON GENERAL POREMAN MECHANIC FOREMAN 2 MECHANIC FINISHER FOREMAN 2 ` **[** 2 MARBLE POLISHER FOREMAN (SHOP) MARBLE POLISHER (SHOP) TRUCK DRIVER WAREHOUSE **FOREMAN HELPERS** T = Tile M = Marble TR = Terrazzo E = Exterior MATERIAL AND EQUIPMENT 1440 - 1440 T260 T2 "This acknowledgement is for time and material only and is not an area material only that the work acknowledgement that the work involved is in fact a contract modification." والمنترجين SALES TAX a separate work order daily for each job. combine jobs/g

(Print)

Representative

WORK ORDER

2132

rocetti

3960 Merritt Avé. BRONX, NY 10466

Phone (718) 994-0900 Fax (718) 994-4505

R R A Z Z Q Fax (718) 994-4505	JOB NO. 98106 DATE 3/29/01 WOTON AVE. PREPARED BY RAY TOFFELL CEYAREA FIELD/WORK ORDER ATTENTION DATE WORK PERFORMED PX NO. (PENDING EXTRA) AREAS AROUND ELEVATORS LEFT OUT BY UNDER-
ECTNAME BARUCH COLLEGE	9810
ESS 55 LEXINGTON AVE.	PREPARED BY RAY TOFFELL
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MATERIAL AND EQUIPMENT

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... Representative

mer authorized representative (sign)

crocetti

3960 Merritt Ave. BRONX, NY 10466

Phone (718) 994-0900 Fax (718) 994-4505

WORK ORDER

10) Bags

2167

PROJECT NAME	JOB NO. DATE
PROJECT NAME AARUCH COLLEGE ADDRESS	Oct. 2.5 2001
ADDRESS	(KETAKED BK)
FLOOR/LEVEL SPACE/AREA	FIELD/WORK ORDER
MAIN FLOOR SPACEAREA	
SEND INVOICE TO	ATTENTION
DESCRIPTION OF WORK DATE WORK PERFORMED	PX NO. (PENDING EXTRA)
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Customer authorized representative (sign)	(Print)

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3.M.C. Representative

39 Jan 200 NEBS CUST • M printing service 1900/288-6011 NEBS, by Cherokape & NEB32 Assertations

Customer authorized representative (sign)

ART NOT THE SECTIONS

Reference Documents

Change Order No.:GC2-169

DRAWINGS:

$A-104 \qquad G$	ROUND F	LOOR	PLAN
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A-112 8TH FLOOR PLAN A-115 11TH FLOOR PLAN

Case 1:07-cv-06915-DLC Document 313-19 Filed 09/12/2008 Page 26 of 34

Approved Wage Rates

Change Order No.: GC2-202

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

515 Broadway Albany, New York 12207

LABOR RATE WORKSHEET

	***					-
	· M. CROCETT			Date: 9/24	01-	
	160 MERRO			DASNY Project No		
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A. BASE RATE PER H				s 30 £?	# 4585	3 6133
BENEFITS: (Check All Te		% per	\$ per			
Benefits That Apply) Vacution & Holiday	Benefits	hour	hour	_		
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NATE DEPRISON		%	\$ 1.50	1.50	1.50	1.50
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Insurance costs, jabor fr	The Advisor and	~, will expe	rues are inc	COUNT and brue co.	ds incurred.	- ruiea
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Signature		No.	180 493-7 (c)	Sworn before no	= this of day o	s Sept 2002
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1) One hour extra pay-per day, 32 2 150/wk PAGE. 02 150

** TOTAL PAGE.03 **

06/11/2002 13:47 FAX 518 257 3488

DASNY 3rd FLOOR

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MAY 09 2002 14:45 FR GM CROCETTI

7189944505 TO 12126790037

P.03/03

PAGE 2/3



DOKMITORY AUTHORITY OF THE STATE OF NEW YORK 515 Prondway Albuny, New York 12207

LABOR RATE WORKSHEET

Contractor Norm	GM CROCET	TI INC	Ť	Date:	Eleles		
Address	3960 MERR	ITT AVE		ASNY Project	5/8/02-		
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DASNY 3rd FLOOR

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P.02/03

PAGE 2/3



DOKMITORY AUTHORITY OF THE STATE OF NEW YORK 515 Prondway
Albury, New York 12207

LABOR RATE WORKSHEET

	Commence Name:	GM CH	ocetti In	C.		Date:				
	Address:	3960 1	nerrit A	ve		DASNY Project No.:				
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Ť, DORMITORY AUTHORITY OF THE STATE OF NEW YORK 515 Broadway
Albany, New York 12207

LABOR RATE WORKSHEET

	Contractor Name:							
	Address:	6.M.	CROCETT	INC	r	ate: 91		
	Worm c22.	7160	MERAL	TT AVE	NUE -	ASNY Project No.:	26/02	
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DORMITORY AUTHORITY OF NYS Budget Edit II Batch Multi Funding Edit Run

12/24/03 11:01:40

Date - . . . Time - . . .

			Budget Category	Project		
Amount in Contract:	ict:	00.	9	1277709999		
Amount in CR/Pending:	iding:	9,933.00	s	1277709999		
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	2	25,512,490.07	75,258.39	25,437,231.68	0.00	00.
	m	21,565,287.00	172,179.16	20,429,972.45	00.	963,135.39
	4	13,740,000.00	67,808.68	13,665,797.13	00.	6,394.19
	ĸ	235,008,857.00	1,477,616.34	224,446,555.05	947,365.59	8,137,320.02
	9	30,720,866.00	279,237.59	30,414,708.99	00	26,919.42
	7.1	26,452,999.93	150,087.56	25,932,767.69	00.	370,144.68
	47	300,500.00	81.00	249,625.46	00.	50,793.54
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		353,301,000.00	9,386,763.56	479,168,087.27	947,365.59	9,554,707.24
		Bl Ledger	PA Ledger	AA Ledger	Remaining	
For Job:		(Current Budget)	(Committed)	(Invoiced)	Budget	
1277700604		17,907,000.00	143,347.25	17,762,011.81	1,640.94	
1277700624		115,780,055.03	618,179.38	115,013,699.69	148,175.96	
1277700650		25,481,144.97	97,785.30	25,380,086.78	3,272.89	
1277700664		110,650,000.00	596,828.98	110,012,988.49	40,182.53	
1277700670		24,388,000.00	571,349.82	23,749,604.92	67,045.26	
1277702805		48,594,800.00	194,777.99	48,274,565.84	125,456.17	
1277700937		400,000.00	00.	383,700.92	16,299.08	
1277703835		3,000,000.00	00.	00.	3,000,000.00	
1277705219		7,100,000.00	00.	00.	7,100,000.00	
1277709999		00.	00.	00.	00.	
		353,301,000.00	11,609,032.28	819,744,745.72	9,554,707.24	

Por Contract: 00061506 2S 202